

MEMORANDUM

TO: **ALL COUNSEL**

FROM: **HON. EDWIN M. KOSIK**

DATE: **NOVEMBER 26, 2008**

RE: **FIORUCCI v. THE CITY OF WILKES-BARRE, et al., No. 3:CV-06-1084**

This case has certainly raised a lot of issues.

As a partial response to one question in my memo of November 21, 2008, I offer for your review Franceschi v. U.S. Dept. of Veterans Affairs, 514 F. 3d 81 (1st Cir. 2008).

There is very little on the subject.

EMK/rd

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PER M. S. P.
DEPUTY CLERK